IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

RP.No. 218 of 2007(W)

AGAINST THE JUDGEMENT/ORDER IN WPC.1033/2007 Dated 21/02/2007

.....

REVIEW PETITIONER/PETITIONER

A.V.KURIACHAN,AGED 50 YEARS,
DRAWING TEACHER,M.G.M HIGHER SECONDARY SCHOOL,
KURUPPUMPADY,ERNAKULAM DISTRICT.

BY ADV. SRI.RAJESH VIJAYAN

RESPONDENTS: RESPONDENTS/RESPONDENTS

---

1. HEAD MASTER,M.G.M HIGHER SECONDARY SCHOOL,KURUPPUMPADY,ERNAKULAM DISTRICT.

2. DISTRICT EDUCATIONAL OFFICER, MOTAMANGALAM EDUCATIONAL DISTRICT,ERNAKULAM DISTRICT.

R2 BY GOVERNMENT PLEADER SRI. A.J. VARGHESE.
R1 BY ADV. SRI.C.J.JOY
SRI.K.K.VIVEKANDAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.M.JOSEPH, J.

- -

R.P.218/2007 IN WP.(C) No. 1033/07

- -

Dated this the 2nd day of April, 2007

ORDER

In this review petition petitioner challenges the correctness of the judgment under which taking note of the stand of the first respondent that he is prepared to give salary certificate in the School format, the matter was recorded and there was a direction to give salary certificate.

2. In the review petition what is stated is that the request Ext.P1 is made for issuance of salary certificate with the recovery agreement executed by the employer or the authorised drawing officer and the bank. On refusal to give so, the petitioner approached this court. It is stated that the first respondent Headmaster has issued such certificates to other employees including teachers for the purpose of obtaining bank loan and therefore there is clear discrimination. It is the further case of the petitioner that there is absolutely no harm which will be caused to the institution or to the Headmaster if such a certificate is issued.

3. The stand taken by the first respondent however is that the

first respondent has never denied to issue salary certificate to any member of the staff of the School. He says that in obedience to the judgment he offered salary certificate in the School format on 21.2.2007 itself. According to him the petitioner is insisting for a salary certificate in the format prescribed by the Federal Bank which in fact is to enter into a contract with the Bank to recover monthly instalments as fixed by the Bank from time to time from the salary of the petitioner and to remit the monthly instalments. It is stated that it does not form part of the duty as Headmaster. It is stated that as far as the certificate issued by the first respondent, which is produced as Annexure I, it is the case of the first respondent that it is issued in accordance with Annexures R1(e) and R1(f).

4. Learned Government Pleader on instructions submits that there is no legal provision to compel the Headmaster to issue the certificate as desired by the petitioner. I would think that in the absence of a legal right with the petitioner to insist that the petitioner be issued with the certificate in the form as desired by him, it may not be possible for him to claim the relief sought for. In such

circumstances there is no merit in the review petition.

The Review Petition is dismissed.

(K.M. JOSEPH, JUDGE)

sb

K.M.JOSEPH, JJ.

- - - - - - - - -- -

W.A. No. OF

- -- - - - - - - - - - - - - - -

JUDGMENT

Dated this the day of February, 2006.